

Breeze fails to refer to the Deseret News' coverage of Mr. Trump and Ms. Clinton, which both grossly outweighed that of Mr. McMullin.

In fact, the Deseret News offered Ms. Stein, Mr. Johnson and Mr. McMullin the opportunity to write an op-ed piece, as it did to both Mr. Trump and Ms. Clinton. Mr. Johnson and Mr. McMullin did so. The Deseret News editorial staff also met with both Mr. Johnson and Mr. McMullin. As Utah was the home to both Mr. Johnson's and Mr. McMullin's campaign headquarters, and both polled well in Utah at times, it is understandable that both would receive coverage above that of Ms. Stein.

Moreover, any coverage of Mr. McMullin was simply an editorial decision based upon the interest of its readers. As the Deseret News editorialized at the time, "we will continue to look at the McMullin story. Why? Because it's more relevant in Utah than perhaps anywhere else, as this BYU graduate tries to accomplish his stated goal of winning Utah while denying enough electoral votes to Trump and Clinton to throw the final decision into the U.S. House. With two months to go, all the candidates will provide plenty to write about." All candidates did just that, with the coverage of Mr. Trump and Ms. Clinton dwarfing the rest.

Regardless, contrary to Mr. Breeze's suggestions, the law does not require proportionality or equal time. This basic misunderstanding of the law dooms Mr. Breeze's complaint. But it is not the only misunderstanding and/or misinterpretation of relevant law.

Mr. Breeze specifically sites to 11 CFR §100.73 and 100.132 for the proposition that "when news coverage does not constitute a bona fide news story the free advertising constitutes a contribution/expenditure which must be reported." Setting aside the lack of evidence of "fake news" previously discussed, Mr. Breeze's citation of these rules is completely without merit.

Before even discussing whether bona fide news is exempted as a campaign contribution, 11 CFR §100.73 states,

Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station (including a cable television operator, programmer or producer), Web site, newspaper, magazine, or other periodical publication, including any Internet or electronic publication, is not a contribution unless the facility is owned or controlled by any political party, political committee, or candidate . . .

(emphasis added). Identical language is used to define an expenditure under 11 CFR §100.132. As stated previously, the Deseret News is owned exclusively by Deseret Management Corporation, which is ultimately controlled by the Church of Jesus Christ of Latter-day Saints. Since Deseret Management Corporation, nor the LDS Church, is not a political party, committee or candidate, the costs incurred by the Deseret News in carrying a news story or editorial cannot be considered contributions or expenses. Mr. Breeze's arguments simply fail as a matter of law.

Because there is no factual or legal support for Mr. Breeze's complaint, the Commission should take no further action against the Deseret News or Deseret Management Corporation.

Sincerely,



J. David Pearce
Associate General Counsel

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STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness.

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The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

1-30-17 [Signature] Assoc. General Counsel
 Date Signature (Respondent/Agent) Title

RESPONDENT: DESERET MANAGEMENT CORPORATION
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